

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

The Applicants originally submitted Claims 1-40 in the application. The Applicants previously canceled claims 1-40 and added claims 41-53. Presently, the Applicants have not amended, canceled or added any claims. Accordingly, Claims 41-53 are currently pending in the application.

#### **I. Rejection of Claims 41-52 under 35 U.S.C. §103**

The Examiner has rejected Claims 41-52 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,500,391 to Bevk, *et al.* ("Bevk") in view of U.S. Patent 5,891,769 to Liaw, *et al.* ("Liaw"). Independent Claim 41 currently includes the element of source/drain regions located within a doped epitaxial layer proximate a gate structure, wherein the source/drain regions do not extend into a co-doped germanium buried layer located thereunder. The Examiner correctly identifies on page 3 of the Examiner's Action dated December 18, 2007, as well as page 2 of the Examiner's Action dated May 2, 2008, that Bevk fails to teach or suggest the element that the source/drain regions do not extend into said co-doped germanium buried layer.

However, the Examiner asserts that Liaw teaches or suggests such an element. More specifically, the Examiner points the Applicants to FIG. 4 of Liaw, and the associated text at column

6, lines 17-39 therein. The Applicants respectfully disagree with the Examiner that FIG. 4, and the associated text, teaches or suggests the claimed element of source/drain regions located within a doped epitaxial layer proximate a gate structure, wherein the source/drain regions do not extend into a co-doped germanium buried layer located thereunder, as is presently claimed. For instance, all the text associated with FIG. 4 is directed to a SiC buried layer. Nothing in that text teaches or suggests that the SiC buried layer could be a co-doped germanium buried layer, as is presently claimed. The Examiner is correct that FIG. 1 teaches a co-doped germanium buried layer, however, the teachings and suggestions of FIG. 1 require that the source/drain regions thereof extend into the co-doped germanium buried layer, which is in direct contrast to that which is presently claimed. Moreover, nothing else exists with regard to FIG. 1 that might suggest that the source/drain regions thereof do not need to extend into the co-doped germanium buried layer thereof. Accordingly, Liaw also fails to teach or suggest this claimed element.

The Examiner goes on further to argue that Column 5, lines 36 thru 51 of Liaw suggests that the substrate discussed with respect to FIG. 4 may comprise a co-doped germanium buried layer. The Applicants again disagree with the Examiner on this supposed teaching or suggestion of Liaw. As the Examiner has clearly pointed out, Liaw suggests that its substrate discussed with regard to FIG. 3 may comprise other heteroepitaxial films. However, Liaw does not suggest that those other heteroepitaxial films are a co-doped germanium buried layer. A teaching or suggestion that a film may comprise other materials is far from a teaching or suggestion that the film may comprise a co-doped germanium buried layer. Moreover, the Applicants believe this statement of Liaw is being made with regard to FIG 3, not its FIG. 4.

The Examiner goes even further to argue that the claimed limitation that the source/drain regions thereof do not need to extend into the co-doped germanium buried layer are just dimensional limitations that would be easily achieved through experimentation. The Applicants strongly suggest that the location of a feature is not a dimensional limitation, as that element is defined in the cases cited by the Examiner. Accordingly, this argument of the Examiner is without merit.

Therefore, Bevk, individually or in combination with Liaw, fails to teach or suggest the invention recited in independent Claim 41 and its dependent claims, when considered as a whole. Thus, the combination of Bevk and Liaw must fail to establish a prima facie case of obviousness with respect to these claims. Claims 41-52 are therefore not obvious in view of Bevk and Liaw.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 41-52 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection of Claims 41-52.

## **II. Rejection of Claim 53 under 35 U.S.C. §103**

The Examiner has rejected Claim 53 under 35 U.S.C. §103(a) as being unpatentable over Bevk in view of Liaw, and in further view of U.S. Patent No. 7,067,856 to Ramadani et al. ("Ram").

As indicated above, independent Claim 41 currently includes the element of source/drain regions located within a doped epitaxial layer proximate a gate structure, wherein the source/drain regions do not extend into a co-doped germanium buried layer located thereunder. As established above, each of Bevk and Liaw fails to teach or suggest this claimed element. Ram fails to correct their deficiencies.

The Examiner is offering Ram for the sole proposition that interconnects may be located within interlevel dielectric layers positioned over the transistors, thereby connecting the transistors to form an operational integrated circuit. Notwithstanding the accuracy of the Examiner's proposition, a teaching or suggestion that interconnects may be located within interlevel dielectric layers positioned over the transistors, thereby connecting the transistors to form an operational integrated circuit, is very different from a teaching or suggestion of source/drain regions located within a doped epitaxial layer proximate a gate structure, wherein the source/drain regions do not extend into a co-doped germanium buried layer located thereunder, as is presently claimed. Accordingly, Ram also fails to teach or suggest this claimed element.

Therefore, Bevk, individually or in combination with Liaw and/or Ram, fails to teach or suggest the invention recited in independent Claim 41 and its dependent claims, when considered as a whole. Thus, the combination of Bevk, Liaw and Ram must fail to establish a prima facie case of obviousness with respect to these claims. Claim 53 is therefore not obvious in view of Bevk, Liaw and Ram.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claim 53 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection of Claim 53.

### **III. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 41-53.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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